

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00186-MR-DLH**

SYNOVUS BANK,

Plaintiff,

vs.

RANDY J. GARVEY,

Defendant,

vs.

KEITH VINSON, et al.,

**Third Party
Defendants.**

ORDER

THIS MATTER is before the Court on the Defendant's Notice Bankruptcy Case Filing [Doc. 42].

A notice has been filed with the Court indicating that the Defendant has filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code. [Doc. 42]. The Court previously stayed this action pursuant the automatic stay provisions of 11 U.S.C. § 362 with respect to the Plaintiff's claims against the Defendant. [Doc. 43]. The Defendant's counterclaims and third-party claims, however, are not subject to the

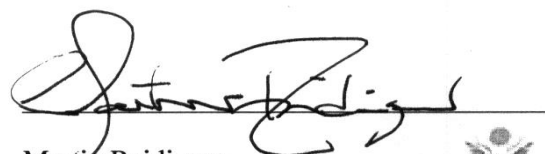
automatic stay. See In re Atlas IT Export, LLC, 491 B.R. 192, 195 (1st Cir. BAP 2013). Accordingly, the Court will direct the Bankruptcy Trustee to submit a report advising whether he intends to pursue this litigation.

IT IS, THEREFORE, ORDERED that within thirty (30) days of the entry of this Order, the Bankruptcy Trustee shall file a report regarding his determination regarding the prosecution of the counterclaims and third-party claims asserted by the Defendant in this action.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this Order to: Steven R. Rebein, Bankruptcy Trustee, Law Office of Steven R. Rebein, L.C., 8700 Monrovia, Suite 310, Lenexa, Kansas 66215, and the Defendant's bankruptcy attorney, Eric C. Rajala, 11900 College Boulevard, Suite 341, Overland Park, Kansas 66210-3939.

IT IS SO ORDERED.

Signed: February 4, 2014


Martin Reidinger
United States District Judge

